

### REMARKS

Claims 1-11 and 25-27 are rejected and claims 12-24 and 28-31 are considered allowable. Applicants respectfully traverse the rejection of claims 1-11 and 25-27. By this paper, claim 5 is amended to correct a typographical error noted by the applicants. No new matter has been added. Claims 1-31 are pending and remain at issue. Applicants respectfully request reconsideration and favorable action in this case.

#### Oath/Declaration

A new oath/declaration has been executed (and a copy enclosed with this paper) which correctly identifies the priority application by application number and correct filing date.

#### Specification Objection

The reference to the claims at page 1 of the specification has been deleted.

#### Rejection of Claims Under 35 U.S.C §112

Claim 1 has been amended to recite in part, "holding the object *with a holding device*, prior to the pull-over application by the area of its mantle surface, by positive or friction lock, initiating the pull-over process," and then "temporarily releasing the holding device." Claim 1 as amended recites proper antecedent basis for the term holding device. Therefore, claim 1 is no longer indefinite, and as a result, dependent claims 2-8 and 25 are also no longer indefinite.

#### Rejection of Claims Under 35 U.S.C. §103(a)

Claims 1, 2, 4, 5, 8-11, 26 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent number 6,263,940 to Menayan ("Menayan"). Each of claims 1-8 recites in part, the step of *seizing a label jacket by a separating jaw unit by its forward margin, pulling the label over an object, and then pulling off the separating jaw unit*. Menayan does not recite the step of seizing a label jacket by a separating jaw unit by its forward margin. Menayan says nothing about where the iris carrier 54 contacts the label. In addition, Menayan clearly states that the label jacket is first seized by graspers 268, 270 and then placed on the finger rods 142 of the iris carrier 54 (column 13, lines 43-49) by articulating arms 264, 266. The graspers and arms are separate components (FIG. 33) from the iris carrier. Thus, the Menayan labels are seized by one device, the arms and graspers, and pulled over the bottle by a different device, the iris carrier. The iris carrier is pulled off

the bottle after the label is applied, not the arms and graspers. Menayan teaches one device for seizing the labels and another device being pulled off after the labels are applied. Claim 1, in contrast, requires this to be the same device.

As a result, Menayan fails to teach or suggest all of the limitations of claim 1. Thus, claim 1 and corresponding dependent claims 2-8 are not rendered obvious by Menayan.

Each of claims 9-11, 26 and 27 recite in part a spreading jaw unit for seizing the label jacket at its forward margin and axial pull-over application of the label jacket by a spreading jaw unit over the object. As discussed above, Menayan does not recite a spreading jaw unit for seizing the label jacket that also pulls the label over the object. In Menayan, the seizing unit and pulling unit are two different devices. There is no suggestion to modify Menayan to eliminate either device and to perform both functions with the other remaining device, and the official action has not put forth any such suggestion.

As a result, Menayan does not teach or suggest all of the limitations of claim 9. Thus, claim 9 and corresponding dependent claims 10, 11, 26 and 27 are not rendered obvious by Menayan. The rejection of these claims should be withdrawn.

### CONCLUSION

For the reasons stated above, Applicants submit that the specification and claims are in proper form and clearly define patentable subject matter with respect to the cited art. Enclosed with this amendment is a petition for a three month extension of time under 37 C.F.R. § 1.136(a) and a check in the amount of \$475.00. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

Respectfully submitted,



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